HALL COUNTY BOARD OF SUPERVISORS MEETING JUNE 26, 2001

The Hall County Board of Supervisors met from adjourned session and by published call in the county board meeting room, 121 South Pine, Grand Island, Nebraska, June 26, 2001 at 9:00 a.m.

The meeting was called to order by Chairman Richard Hartman.

INVOCATION: Invocation was given by Father Jose Chavez.

ROLL CALL: Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Lonnie Logan. Also present were County Attorney Jerry Janulewicz and news media representatives from the *Grand Island Independent* and KRGI.

CONSENT AGENDA: Lancaster made a motion and Humiston seconded to approve the following items by consent agenda:

- 1. 1 Accept and place on file the minutes of the June 12 meeting
- 9 Approve the manager's license for Bosselman's Inc DBA Pump and Pantry for Rhonda J. Cochran
- 3. 11 Approve Resolution #01-0035 to increase appropriations for the Justice System Budget
- 4. 13 Approved the appointment of Kevin Prior for a five-year term
- 5. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts
- 6. 25 Accept and place on file communications as received

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Resolution #01-

RESOLUTION PROVIDING FOR ADDITIONAL APPROPRIATIONS FOR THE HALL COUNTY JUSTICE SYSTEM BUDGET FOR FISCAL YEAR 2000-2001

WHEREAS, due to unforeseen circumstances there are additional expenses to be incurred in the operation of the Hall County Justice System Budget which could have not been reasonably anticipated at the time the County budget for the current year was adopted; and

WHEREAS, funds for the operation of the Hall County Justice System Budget are included in the County budget as part of the County General Fund; and

WHEREAS, there are sufficient unexpended and unencumbered funds remaining the County General Fund Miscellaneous line item 2-9900 (miscellaneous expense) to permit a transfer of \$35,500.00 from said line item to the following County General Fund line items (justice system budget) line item 629-2-2301, line item 629-2-2302, line item 629-2-2400 and line item 629-2411 and line item 629-2-2412 in order to pay said unanticipated additional expenses:

NOW THEREFORE, BE IT RESOLVED, by the Hall County Board of Supervisors that the County General Fund – miscellaneous line item 2-9900 (miscellaneous expenses) be reduced in the amount of \$35,500.00 and that General Fund line items 2-2301 be increased by \$6,000.00, 2-2302 be increased by \$4,000.00, 2-2400 be increased by \$4,000.00, 2-2411 be increased by \$11,000.00 and 2-2412 be increased by \$10,500.00. Said action being taken in order to permit the payment of additional and unforeseen expenses to be incured in the operation of the Hall county Justice System Department for the fiscal year 2000 - 2001. The Hall County Clerk and other county officials are hereby authorized to take such action as necessary in order to implement this resolution.

PASSED AND ADOF	PTED THIS	DAY OF _	·
Resolution moved by	Supervisor		
Seconded by Superv	isor		
Jim Eriksen Richard Hartman Bob Humiston William P. Jeffries Pamela Lancaster	For; Against_ For; Against_ For; Against_ For; Against_ For; Against_	; Abstained ; Abstained ; Abstained ; Abstained ; Abstained ; Abstained	; Not Present
	R	cichard Hartman, C	Chairman of the Board of Supervisors
Marla J. Conley Hall	County Clerk		

1a DISCUSS AND APPROVE LEASE EXTENSION FOR BELTZER BUILDING: Kevin Brostrom stated that his firm is currently leasing office space from the county in the Beltzer Building. They are requesting a sixty-day lease extension for the current space until the remodeling in the old job service building on Koenig Street is completed. Mr. Brostrom stated he talked to Jerry Janulewicz and Jerry stated that it would not be a problem. It is not sure when the county attorney's office will move and they could work on the second floor and third floor, even if the first floor was occupied. Jeffries made a motion and Lancaster seconded to extend the lease for approximately 60 days. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

9:15 SHERIFF WATSON UPDATE – DRUG COURT AND INTERLOCAL AGREEMENT FOR CRIMINAL INVESTIGATION TASK FORCE: Sheriff Watson stated that he wanted to update the board on drug court and the interlocal agreement for criminal investigation task force. He is requesting the county to act as fiscal agent for the grant. The application was submitted and signed because of the deadline, but he needs the board's approval. The drug court was started in the late 1980's and it has been successful. History has shown that the people that qualify do stay away from drugs, so it has a high success rate. Grand Island, Hastings, Kearney and Holdrege received a planning grant and they have been working with the county attorney's, district judges and St. Francis Hospital. They have just about completed the program. Jeffries made a motion and Lancaster seconded to authorize the chair to sign the grant. Watson stated that District Judge Luther would be the drug court judge in Hall County. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

The second item he wanted to update the board on was a proposed interlocal agreement with Adams, Hall, Buffalo, and the police departments from Grand Island, Kearney and Hastings to create a criminal investigative task force. This would allow all of the parties to assist each other on investigations of cases. Law enforcement departments are some times restricted because of manpower and this interlocal agreement would enhance what the departments already have. They could also pool funds to purchase equipment. County Attorney Jerry Janulewicz has a copy of the interlocal agreement and they are working on it now.

Sheriff Watson stated that last year during budget session the department had requested grant funds in the amount of \$500,000.00 from the federal government and Senator Ben Nelson has informed them that they have secured the money from the grant.

PUBLIC PARTICIPATION – Chairman Hartman called for public participation and John Scholl requested to speak to the county board concerning the decision by Stuhr Museum to sell Old Engine 49. He stated is concern on the sale of the train and encouraged the board to look at keeping the engine.

Carey Geiger read a statement on the sale of the Old 69 and stated that she is unhappy about the sale. She requested that the board to consider keeping the engine and getting it running.

Scott Arnold stated that he is liaison to Stuhr Museum and he has expressed the concerns of the county board on the sale of the engine. This decision did not come

without a lot of study, weighing the historical value of the train and cost to restore it. The museum board feels that they need to focus on the restoration of the cars that they already have to make them functional and an engine could be added later. The board was informed that private groups have expressed the desire to restore the engine and underwrite the cost but this was not considered. The board members stated that they have received calls concerning this and would like Stuhr to open up the doors and let the community help.

John Luna requested to speak to the county board concerning the integrating of the police forces and he encouraged the board to use extreme caution when considering this arrangement. He stated that the state patrol needs to be independent form the other law enforcement agencies. He stated he would like to review the interlocal agreement.

9:45 A.M. PUBLIC HEARING NEXTELL FOR A 300 FOOT COMMUNICATIONS TOWER: Humiston made a motion and Eriksen seconded to open the public hearing for the communications tower. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster, Landis and Logan all voted yes and none voted no. Motion carried.

Chairman Hartman called for public participation Building Inspector Max Boerson provided the board members with information on the request from Nextell to put up a 300-foot communications tower. It is located on Hilltop Road west of Doniphan. It is set back 388 foot from the road and 70 feet from the south property line. This meets the county requirements. Regional Planning Director stated this application complies with the zoning requirements and they are requesting a conditional use permit for the tower. The regulations concerning the communications towers were written in 1970 and they were not a concern but the new plan needs to be updated. Safety and co-location on the towers need to be addressed. The fees also need to be adjusted.

Dick Spady stated he was against. He is with Mary Lanning Hospital Trust and expressed concern on the set back and the location.

Mark Hollister stated he was against and he presented petitions from neighbors that are opposed to the site. He questioned if another site was available.

Annette Hollister read a letter addressing concerns on the location of the tower, ice storms, ice melts, lightening strikes and the fall area of the tower. She also expressed concern on the radio waves and questioned if they would cause interference with other radios.

Paul Reinhardt a representative of Nextell stated he worked with Building Inspector Max Boerson on the location of the tower and he complied with all of the county requirements. He acquired permission from the landowner and he has complied with the zoning regulations. He addressed the concerns on the radio frequencies and stated that these are controlled by government regulations. They do not like to build new towers because of the expense and the time it takes to build them.

Craig White stated that he negotiated with Nextell and provided the property and he understands the concerns. He has towers east of him and he lives with it. This is progress and he does not feel that it is a problem they addressed the set back because of the safety concerns. He stated that the other site would require a road and there is no

electricity. Regional Planning Director provided the board with an arial photo of the location.

Gary Anderson hospital trust questioned why the tower could not be moved north and if that would that affect the irrigation pivot.

Mr. Bielke stated he is not against business but questioned why it cannot be located where there are no homes.

Nancy Sweesy stated that she was against the tower. It is only 100 feet from her front door, She also expressed concern on lightening strikes and health issues on the radio waves.

Mark Hollister questioned the design and the fall area.

Gary Anderson questioned if the alternate site could be considered and the company could build a road. Mr. White stated that the company complied with the county regulations.

Paul Reinhardt stated the tower is 400 feet from the nearest road and they will make the tower co-locatable and he also stated that if the maps were the correct scale it would be easier to determine the exact location.

Jeffries made a motion and Lancaster seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10:35 a.m. Jeffries made a motion and Lancaster seconded to refer this request to the conditional use committee and come back with a recommendation at the next meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

4b 10:40 A.M. PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR ILLINOIS PCS FOR A 250 FOOT COMMUNICATIONS TOWER: Lancaster made motion and Jeffries seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Chairman called for public comment. This tower will be located at Highway 281 and Rosedale Road, south of Doniphan. Scott Armes a representative from Illinois PCS stated that the tower will be used for cell phones. This will be located on the Samuelson's property. He stated that they do co-locate on towers with other companies. It is easier to co-locate with other companies than it is to build new towers. Discussion was held on the construction of the towers and he stated that he was not aware of any towers falling down. This tower will be six miles from the Nextell tower. Mr. Armes stated he could look at co-locating on the Nextell tower.

10:50 a.m. Logan made a motion and Jeffries seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Logan made a motion and Jeffries seconded to send the request for the conditional use permit back to the committee for a recommendation. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Building Inspector Max Boerson stated that he had not heard any concerns from the public until today on the conditional use permits for the towers.

4 c 10:50 PUBLIC HEARING CONCERNING RAILROAD CROSSINGS: Lancaster made a motion and Logan seconded to open the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Dan Rosenthal with the Nebraska Department of Roads presented the board with copies of the proposed railroad crossing closings. He stated that a similar project was proposed two years ago. Hartman stated that there are still problems with the crossings being blocked. Mr. Rosenthal reviewed the proposed closings on the map. He stated that the county would receive \$30,000.00 to close the roads and the gates and lights would be installed at no cost to the county. The gates and lights would be about \$241,000.00 with a total project cost of one million dollars.

The closing of the road at 190th Road would affect Platte Valley Academy. The land is on the south side of the tracts and if closed they would have to go to Highway 30 to cross. Mr. Rosenthal encouraged the county to consider the safety issues on these crossings.

Attorney Bill Blackburn was present to represent Platte Valley Academy and he stated there are three representatives from Platte Valley Academy that would like to address the situation. He stated there are more issues than just safety.

Chuck Hassel, Principal of Platte Valley Academy sent a letter to the board members and presented a booklet addressing the situation. The Academy has a work-study program that the high school students participate in. This property was purchased in the 1940 and they have not had a problem. Wiseman road is a paved road and has more traffic and this presents a safety issue for the students. It will also cause a financial impact on the school. Eriksen questioned if 190th Road could be closed to the public and be used as a private road.

Russel Snyder is the farm manager with Platte Valley Academy. He stated that the academy relies heavily on the students to do the farm work they are young students and the crops are hauled with tractors and trailers and they only travel 15 miles an hour. They would slow up the other traffic and they do not want to cause stress when the students are driving the tractors and trailers. The way the students go now he can monitor them from the farm site but if they have to use Wisemen Road they would be out of site.

Clarence O'Neill states that he lives on 80th road and he has lived there for 60 years. He does not have a problem straightening the slanted roads but he expressed concern on the tracts being blocked by the trains.

Denise O'Neill expressed concern on closing Wildwood Drive.

11:25 a.m. Jeffries made a motion and Lancaster seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Lancaster made a motion and Jeffries seconded to refer the proposed plan to the public works committee to address the safety issues and return to the board with a recommendation. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

11:20 a.m. Chairman Hartman called for a break.

11:34 a.m. returned to regular session

4d PUBLIC HEARING TO RECLASSIFY 110TH ROAD: 11:35 a.m. Logan made a motion and Jeffries seconded to open the public hearing to reclassify 110th Road. Arnold, Hartman, Eriksen, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Chairman Hartman called for public input concerning the request to reclassify 110th road from a minimum maintenance road to a local road and no one responded.

11: 37 a.m. Jeffries made a motion and Lancaster seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion Carried.

4D 1 APPROVE RESOLUTION TO AMEND ONE-SIX YEAR ROAD PROGRAM: Jeffries made a motion and Humiston seconded to approve Resolution #01-0036 to amend the One & Six Year Road Program. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

RESOLUTION # 01-0036

A RESOLUTION AMENDING THE 2001 ONE YEAR ROAD PROGRAM

WHEREAS, a request had been made to add Project No. C40(321) to the

County's 2001 One-Year Road Program and

WHEREAS, said project is located between Section Three (3) and Four (4), Township Twelve (12) North, Range Eleven (11) West of the 6th P>M> Hall County, Nebraska. This project Involves grading of 7/8 of a mile to local standards.

NOW THEREFORE BE IT RESOLVED, that Hall County's 2001 One-Year Road Program be hereby amended by adding Project No. C40(321).

PASSED AND ADOPTED THISDAY OF	
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Resolution moved by S	supervisor
Seconded by Supervise	or
VOTE: Scott Arnold Jim Eriksen Richard Hartman Bob Humiston William P. Jeffries Pamela Lancaster Lonnie Logan	For; Against; Abstained; Not Present
	HALL COUNTY BOARD OF SUPERVISORS
	Richard Hartman, Chairman of the Board of Supervisors
Marla J. Conley Hall Co	ounty Clerk

7 HALL COUNTY HISTORICAL SOCIETY BUDGET REQUEST AND REQUEST FOR TAX LEVY VOTE: Pat Mader President of the Hall County Historical Society and John Amick were present and distributed two letters to the county board. They are requesting an increase from the \$800.00 that the county has budgeted for many years. Mr. Amick stated that in the last two years the society has taken on several projects. They have been successful raising funds for the depot project and would like a total of \$15,000.00 from the county to cover the interest on the project. At the present time they are completing the work on the inside of the depot. They also maintain a number of historical markers in Hall County and are also working on the acquisition of the Stolley House. They are requesting the \$15,000.00 for two years and then they would like to request the county board to submit to a vote of the people the request of a tax rate for the historical society. According to State Statute the society can request a tax rate of three-tenths of one percent of every one-hundred dollars of value. Ms. Mader presented the board members with cash flow information of the society. Jeffries made a motion and Lancaster seconded to place the request for a tax rate for the Hall County Historical Society on the general election ballot. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted ves and none voted no. Motion carried.

Jeffries made a motion and Lancaster seconded to consider the \$15,000.00 budget request for the Hall County Historical Society at a budget work-study session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried. A member of the audience questioned if this would be an additional tax. Mr. Amick stated that it would but it would be a very small amount. Lancaster stated that this would have to go to a vote of the people before it would go into effect. The ballot language would have to be worked out. She also asked if the Historical Society had received the letter concerning the artifacts from CAAP and Mrs. Mader said she had but had not replied.

5a DISCUSS AND APPROVE SUPPLEMENTAL AGREEMENT ON SOUTH LOCUST. This item does not need to be addressed at this time.

5b 11:50 A.M. COMMITTEE RECOMMEDNATION ON PURCHASE OF MOTOR GRADER: Humiston stated that the public works committee met and reviewed the specs Humiston made a motion and Eriksen seconded to accept the low bid from Third City New Holland for the motor grader. Jeffries stated he contacted the city on the New Holland Loader and they expressed concern on the down time and on the repairs and service problems. Eriksen and Humiston placed additional calls and stated they did not find any definite reason not to purchase the New Holland grader. Additional discussion was held on the graders and the other bidders made statements on their equipment. Discussion was held on the state bid. The vote on the motion to accept the low bid from New Holland was taken. Eriksen, Hartman, Humiston and Logan voted yes and Arnold, Jeffries and Lancaster voted no. Motion carried.

6 B DISCUSSION ON LB692: Eriksen stated that the board received information regarding the LB 292 funds that will be available. Sonja Simpson presented the board members with information

6c AUTHORIZE CHAIR TO SIGN LETTER REQUESTING RELEASE OF FUNDS: Included in the information presented to the board members was a draft letter requesting to release funds. The county can receive \$125,000.00 and a per capita rate of \$1.84 to \$1.89. They are requesting the board to sign the letter to obtain the funds. Eriksen made a motion and Lancaster seconded to authorize the chair to sign the letter requesting the funds. Arnold, Eriksen, Jeffries, Hartman, Humiston, Lancaster and Logan voted yes and none voted no. Motion carried.

12:26 A.M. EXECUTIVE SESSION TO DISCUSS REAL ESTATE NEGOTIATIONS: Eriksen made a motion and Humiston seconded to go into executive session regarding real estate negotiations. Eriksen requested to included County Attorney Jerry Janulewicz and Health Department Director Sonja Simpson in the executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

12:24 a.m. executive session

1:15 a.m. Arnold made a motion and Jeffries seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion Carried.

8 DISCUSS AND TAKE ACTION ON REFUND REQUEST FROM BOHAN AND DOLD: County Treasurer Doris Mason stated that the sale for delinquent taxes was held March 2000 and a tax sale certificate on Parcel ID #400090708 was issued. In May of 2000 Rufus Dold requested to pay the taxes on Parcel ID #400090708 and was given a redemption certificate. He is now requesting a refund of the taxes he paid stating that he received the wrong certificate and did not realize it. He is now requesting a refund for overpayment of property tax. County Treasurer Doris Mason stated she could cancel the transaction but property was sold and now the bank has foreclosed on the current property owner. County Attorney Jerry Janulewicz requested that the board table the action for two weeks and refer to our insurance carrier for consideration under the errors

and omission policy. Jeffries made a motion and Lancaster seconded to table the matter for two weeks. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

15 APPROVE CLAIM FOR THE NEBRASKA EDC GRANT FOR THE HALL COUNTY AIRPORT. This is a claim for the grant money for the airport. Lancaster made a motion and Eriksen seconded to approve the claim for the Hall County Airport. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10 DISCUSS AND APPROVE APPOINTMENTS FOR STUHR MUSEUM BOARD: Arnold made a motion and Lancaster seconded to approve the appointment of Mr. Duane Donaldson and Mrs. Renee Goble for a three-year term. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

COMMENCE AUDIT OF MONTHLY CLAIMS: The board members reviewed the claims and Logan requested that a copy of the letter submitted by the corrections department concerning payment for inmate medical expenses be sent to the state senators for their review. Eriksen made a motion and Jeffries seconded to approve the claims as audited and authorize the clerk to pay. Arnold, Eriksen, Humiston, Hartman, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

12 RECEIVE AND ACCEPT RESIGNATION OF ELECTION COMMISSIONER: The letter from Mary Kay Donahoo Hall County Election Commissioner was received. Eriksen made a motion and Arnold seconded to accept the resignation of Election Commissioner Mary Kay Shay effective July 1, with regret, she has done a good job for Hall County. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

13 DISCUSS APPOINTMENT OF INTERIM ELECTION COMMISSIONER: An interim election commissioner will need to be appointed and discussion was held. Denise Kruse is the current assistant. Lancaster made a motion and Logan seconded to appoint Denise Kruse as the interim election commissioner and to refer this to the election committee for a recommendation at the next board meeting. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

BOARD ASSISTANT'S REPORT: Board Assistant Stacey Ruzicka stated she needs the personal evaluations back.

BOARD MEMBER'S REPORTS: Logan-He attended the ADA meeting and the merit commission meeting.

Jeffries—He attended the redistricting committee meeting, the conditional use committee meeting and he attended the board meeting in Howard County. He said the veterans committee members were present and also the president of the Legion Auxiliary was there. They discussed the cost per veteran for Hall County to administer their veterans service office and they stated they will increase the cost per veteran in their interlocal agreement with Hall County. Veterans Service officer Don Shuda talked to Howard County and informed them of the increase and they agreed to the increase.

Lancaster- She attended the audit committee meeting and they discussed and approved the equipment improvement reserve requests. She also attended the computer committee meeting and the redistricting meeting and it went well. They are straightening out the lines and are using landmark boundaries so it will be easier to understand and follow. The changes will also even out the population. She also attended the Head Start meeting and the commission meeting for workforce development. They have now moved into the old SPPD building and are now conducting business.

Arnold- He attended two conditional use committee meetings, Head Start meetings, a computer committee meeting and the redistricting meeting. He also attended the dedication ceremony at the library.

Humiston- He attended the audit committee meeting, the computer committee meeting, the ADA meeting, the GIS meeting and the Economic Development Committee meeting.

Eriksen—He attended two health board meetings and two redistricting committee meetings.

Hartman—He Attended the CNCS meeting in Loup City and several other meetings.

NEW OR UNFINISHED BUSINESS-Chairman Hartman Called for new or unfinished business and no one responded.

Meeting adjourned at 2:00 p.m. The next meeting will be July 10, 2001 at 9:00 a.m.

Marla J. Conley Hall County Clerk	